MT LEGISLATIVE HISTORY

Chapter 293 1981

Bill H _____ S 217 Original bill & hist. ___C

H. Committee on State Administration			S. Committee on State Administration		
Hearing Date(s)	Mar 18	✓C	Hearing Date(s)	Feb 04	✓C
	Mar 19	✓C		Feb 17	✓C
		___C			___C
		___C			___C
Date Out	Mar 19	✓C		Feb 17	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

47 TH LEGISLATIVE SESSION

COMMITTEE ON STATE ADMINISTRATION

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
Senate 202	1/20	2/4; 2/10			2/10				
216	1/20		1/27						
217	1/20	2/4; 2/17				2/17			
218	1/20	2/4				2/4			
223	1/21	2/5; 2/10			2/10				
232	1/23	2/9		2/9					
235	1/23	2/12; 2/17				2/17			
257	1/23	2/2; 2/3				2/3			
259	1/23	2/6			2/17				
264	1/24		1/27						
266	1/24	2/9; 2/10			2/10				
270	1/24	2/11		2/12					
271	1/24	2/11		2/12					
273	1/26	2/12				2/17			
274	1/26	2/2; 2/3				2/3			
276	1/26		1/29						

Use a separate sheet for Senate, House Bills, and Resolutions.

Senator Hammond remarked to Senator Van Valkenburg that it appears that the system will be as good as the public defense coordinator.

Senator Towe asked about a possible problem of attaching it to the Attorney General. Senator Van Valkenburg answered it is appropriate. Senator Story asked why it could not be the Supreme Court Justices themselves. The answer was that it was not feasible.

Mike Abley said the court could consider whether it would be attached to them and decided against it.

Mr. Stephen said that public defender jobs are not sought after; established lawyers may not want this job but a new attorney may be interested.

Senator Hammond asked if the state should run a school for lawyers. Mr. Stephen stated this bill offers the opportunity for the district judge and the county to establish rapport.

Senator Story suggested the possibility of using the law school itself, with potential volunteer help and an interested dean. Senator Van Valkenburg stated that they are not cooperative. In closing, Senator Van Valkenburg stated that there are problems, but the legislature should address this situation this session.

The hearing was closed on S. B. 202.

CONSIDERATION OF SENATE BILL 217:

REVISING THE ADMINISTRATIVE PROCEEDURES OF THE DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING....

Senator Steve Brown, sponsor of the bill, pointed out some changes and submitted amendments and explained each in turn. It is his feeling from being on the audit committee this could alleviate the six-year review.

Ed Carney showed a sample of an application that seems quite subjective.

Questions of the Committee: Senator Towe asked Senator Brown about Mr. Huss' comments about related practices. Senator Towe said there is a provision for revoking license in the law of these boards, which is different from renewal. Senator Brown said this is basic information that the board should have.

Mr. Carney said this is not alerting the current process; cause is still needed prior to a hearing. Senator Ryan stated he had looked at an application that must be unconstitutional; some questions may not be answered. Mr. Carney stated this application is part of the licensing process, and there may be some boards not asking this question.

Senator Towe in looking at the audit report itself stated they will find out his criminal conviction, malpractice suit, and other. Would not a better approach be to require by law that he have a direct obligation to report it to the board.

Senator Brown said the purpose of these boards is to protect public health and safety.

Senator Towe asked about the confidentiality of the information and was assured that it is confidential. Senator Story asked why were codification instructions not put in the bill. Senator Brown said in this legislature it is being done.

The hearing was closed on S.B. 217.

CONSIDERATION OF SENATE BILL 217:

AN ACT TO REMOVE AUTHORITY OVER STAFFING FROM THE BOARDS OF MEDICAL EXAMINERS, PHARMACISTS, NURSING, BARBERS, COSMETOLOGISTS, AND WATER WELL CONTRACTORS.

Senator Steve Brown submitted amendments and stated this bill deals with an issue of who should control full-time staffs who serve these various boards. This law would eliminate the latter occupations.

Senator Towe asked him to please explain each section, and he di

PROPONENTS: None.

OPPONENTS: None.

Questions form the committee: Senator Towe asked about the excepting of pharmacists but not nurses. Senator Brown said it would be up to the board's director who he hired and whether they are licensed in their occupation. Senator Towe asked if the board has the authority to hire and fire; yes, was the answer.

Mr. Carney stated this problem of hiring is not a problem to him but in later years it may be a problem who does hire and the way it is done by another director. He works with the boards as a team; it is his practice as an individual.

SB 74

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981 Date 2-4

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator Allen Kolstad, V. C.		✓	
Senator William Hafferman	✓		
Senator H. W. Hammond	✓		
Senator Jan Johnson		✓	
Senator Patrick Ryan	✓		
Senator Thomas Towe	✓		

Each day attach to minutes.

NAME: Larry Huss DATE: 2-4-81

ADDRESS: Box 514, Helena

PHONE: 442-3070

REPRESENTING WHOM? Montana Society of Cert. Pub. Acc.

APPEARING ON WHICH PROPOSAL: SB 217

DO YOU: SUPPORT? _____ AMEND? X OPPOSE? _____

COMMENTS: Section 1, Page 2, Line 19

Strike: Line 19

Insert: "man days and actual operating costs of the department for each board."

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: [illegible] DATE: 2-4-91

ADDRESS: [illegible] RD 1

PHONE: 449-3737

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: LB 217-218

DO YOU: SUPPORT? — AMEND? — OPPOSE? —

COMMENTS: To provide information

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 17, 1981

The twenty-ninth meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on the above date, in Room 442 of the State Capitol Building at 10:00 a. m.

ROLL CALL: All members of the committee were present.

ACTION ON SENATE BILL 217: Senator Hammond moved they pass the amendments submitted by Mr. Hollow. This passed, and he then moved the bill DO PASS, AS AMENDED: Majority ruled, with dissenting vote by Senator Hafferman.

ACTION ON SENATE BILL 235: Senator Ryan moved do not pass, thi: failed. Amendments were submitted by John Hollow; Senator Tow moved they be accepted; Motion carried. Senator Kolstad moved the bill DO PASS, AS AMENDED.

ACTION ON SENATE BILL 259: Senator Towe moved the amendments submitted by legal council be adopted and moved another amendment, all passed. The motion to pass the bill was not accepted so by reverse vote it was DO NOT PASS.

ACTION ON SENATE BILL 273: Senator Kolstad withdrew his motion to pass; amendments were suggested, moved by Senator Johnson. accepted; Senator Hammond moved the bill DO PASS, AS AMENDED. motion carried with Senator Rayan voting no.

ACTION ON SENATE BILL 294: There was discussion of the suggest amendments, and questions about civil rights asked by Senator Hafferman were answered by Senator Towe. Senator Towe moved th first technical amendments do pass; passed, then moved in inse deputy directors or administrators; passed.

Senator Ryan asked about including bureau chiefs and moved they be in the amendment; passed with a no vote by Senator Towe.

Senator Kolstad moved this bill DO PASS, AS AMENDED: motion carried.

ACTION ON SENATE BILL 385: Senator Hammond moved it DO PASS discussion followed concerning when the time limit of one year should be established and other facts. The motion was substitu DO PASS, AS AMENDED: motion carried.

ACTION ON SENATE BILL 402: A motion was made but withdrawn by Senator Ryan to pass the bill. Senator Towe discussed amendmen by the governor and other amendments - see standing committee r The amendments were passed and Senator Towe moved the bill DO P AS AMENDED.

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981 Date 2-17

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator Allen Kolstad, V. C.	✓		
Senator William Hafferman	✓		
Senator H. W. Hammond	✓		
Senator Jan Johnson	✓		
Senator Patrick Ryan	✓		
Senator Thomas Towe	✓		

Each day attach to minutes.

SB 217 Amendments

1. Title, lines 8 and 9
Following: "ON"
Strike: "NUMBER OF LICENSEES"
Insert: "EQUITABLE CRITERIA"

2. Page 2, line 17
Following: "ON"
Strike: "a 240 rate basis according to the number of"

3. Page 2, line 19
Following: line 18
Strike: "license quota for each board"
Insert: "on equitable basis as determined by the department"

4. Page 3, line 6
Following: "the"
Insert: "propriety of the applicant's"
Following: "of"
Insert: "or his fitness to practice"

5. Page 3, line 12 through 15 line 14
Following: "upon" Insert: "."

STANDING COMMITTEE REPORT

FEBRUARY 17 81

..... 19 .....

PRESIDENT

MR. .....

STATE ADMINISTRATION

We, your committee on ....

SENATE

having had under consideration ..... Bill No. 217

SENATE

Respectfully report as follows: That ..... Bill No. 217

introduced bill, be amended as follows:

1. Title, lines 8 and 9.
Following: "ON"
Strike: "NUMBER OF LICENSEES"
Insert: "EQUITABLE CRITERIA"

2. Page 2, line 17.
Following: "on"
Strike: "a pro rata basis according to the number of"

3. Page 2, line 19.
Following: line 18
Strike: "licensees under each board"
Insert: "an equitable basis as determined by the department"

XXXXXX
DO PASS

CONTINUED

SENATOR PETE STORY Chairman.

STATE PUB. CO.
Helena, Mont.

STATE ADMINISTRATION FEBRUARY 17 19 81

SENATE BILL 217

4. Page 3, line 6.
Following: "the"
Insert: "propriety of the applicants'"
Following: "of"
Insert: "or their fitness to practice"

5. Page 3, line 12 through line 14.
Following: "report"
Strike: "to the governor as required by 2-7-102. Copies shall be furnished to each member of the legislature. The report"
Insert: ". In addition to the information prescribed by the governor under 2-7-102, the biennial report of the department"

AND, AS SO AMENDED,
DO PASS

P.A.

PETE STORY Chairman.

STATE PUB. CO.
Helena, Mont.

STATUS SHEET

STATE ADMINISTRATION COMMITTEE MARCH 3, 1981

47 Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 15	TO ALLOW POLITICAL SUB-DIVISIONS OF THE STATE TO SET THE INTEREST RATE FOR BONDS BY DELETING SPECIFIC MAXIMUM RATES ALLOWABLE;...	3/3	MAZUREK	3/9/81	BE CONCURRED IN AS AMENDED	3/9/81
SB 109	AMENDING THE LOBBYIST DIS-CLOSURE INITIATIVE, NO. 85 TO CLARIFY PROVISIONS....	3/3	STORY	3/20/81	BE CONCURRED IN AS AMENDED returned	3/23/81 3/30/81
SB 193	REESTABLISHING BOARD OF RADIOLOGIC TECHNOLOGISTS UNDER DEPT. OF PROFESSIONAL & OCCUPATIONAL LICENSING;.	3/3	J. HAFFEY	3/19/81	BE CONCURRED	3/19
SB 195	TO REVISE PROVISIONS PER-TAINING TO RADIOLOGIC TECHNOLOGISTS;...	3/3	J. HAFFEY	3/19/81	BE CONCURRED	3/19
SB 155	LIMITING MEMBERSHIP IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PERMANANT FULL-TIME & PART-TIME EMPLOYEES & EXCLUDING EMPLOYEES WHO WORK LESS 120 DAYS A YEAR.	3/3	McCALLUM	3/12/81	BE CONCURRED IN	3/12/81
SB 217	RELATING TO ADMINISTRATION OF DEPT. OF PROFESSIONAL & OCCUPATION LICENSING...	3/3	S. BROWN	3/18/81	BE CONCURRED	3/19/81

Form CS-32
1-79

SENATE BILL 217-SPONSOR, Senator Brown, introduced this bill at the request of the Legislative Audit Committee. This bill revises the provisions relating to the Department of Professional and Occupational Licensing. It requires the Department to assess the costs of the Department to the licensing boards on an equitable basis and to adopt standardized application, license, and other forms used by the boards. The bill also requires all applicants for licensure or renewal to report to the board any legal or disciplinary actions against them relating to their profession. In addition, the Department is required to prepare a biennial report summarizing each board's activities. Section 4 which deals with this section, is important, he stated, because next session the audit committee will recommend doing away with the automatic six year review. With this biennial report the Audit Committee can make value judgements.

PROPONENTS

There were no other proponents present.

OPPONENTS

There were no proponents present to testify on SB 217.

QUESTIONS BY THE COMMITTEE

Sales: Is a biennial report necessary?

Brown: Since the session meets biannually we will receive these reports while we are in session and be able to review them and if necessary make recommendations at that time.

Senator Brown closed the hearing on Senate Bill 217.

SENATE BILL 412-SPONSOR, Senator Steve Brown, introduced this bill requested by the Legislative Audit Committee which requires all licensing boards within the Department of Professional and Occupational Licensing to set fees reasonably related to the costs incurred in administering the program areas within their jurisdiction such as fees for application, examination, renewal, reciprocity, late renewal, and continuing education. Senator Brown said that one reason this bill is being proposed is because there is a real question as to whether or not the legislature has the necessary knowledge to set these fees. This

EXECUTIVE SESSION (cont.)

Representative Dussault suggested that the committee table this bill until HB 500 is acted on in appropriations. She made a motion to that affect.

A vote was taken and carried with 16 YES, 1 NO and 2 absent. Representative Kanduch voted no.

SENATE BILL 311 — BE CONCURRED IN

Representative McBride moved that SB 311 BE CONCURRED IN. A vote was taken and carried with 11 YES, 6 NO and 2 absent. Representatives Sales, Kropp, Briggs, Feda, Ryan, and Smith voted no.

Representative Dussault was assigned to carry this bill in the House.

SENATE BILL 217 — BE CONCURRED IN

Representative Sales moved that SB 217 BE CONCURRED IN. A vote carried unanimously with those voting. Representative Spilker and Ryan abstained.

Representative Sales was assigned to carry SB 217 in the House.

SENATE BILL 273 — BE CONCURRED IN

Representative Sales made a motion that SB 273 BE CONCURRED IN.

Representative Spilker asked why there hasn't ever been a suit filed saying that the legislature has unlawfully delegated authority to the agencies.

Representative Sales said that we have the right to delegate authority, the question is whether or not we have the right to delegate authority to the agencies.

A vote was taken on the motion and carried with 12 YES, 5 NO and 2 absent. Representatives Holliday, Kennerly, Dussault, McBride and Azzara voted no.

Representative Kanduch was assigned to carry SB 273 in the House.